(5) (4)

Nos. 09-579, 09-580

FEB 9 2010

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In The

Supreme Court of the United States

SHELDON PETERS WOLFCHILD, et al.,

Petitioners,

vs.

UNITED STATES, et al.,

Respondents.

HARLEY D. ZEPHIER, SENIOR, et al.,

Petitioners,

vs.

UNITED STATES, et al.,

Respondents.

On Petitions For Writs Of Certiorari To The United States Court Of Appeals For The Federal Circuit

RESPONSE IN SUPPORT OF PETITIONS FOR WRITS OF CERTIORARI

CREIGHTON A. THURMAN
THURMAN LAW OFFICE
Counsel of Record
PO Box 897
1800 Broadway Ave.
Yankton, SD 57078
(605) 260-0623

Attorney for Respondents, The Family Groups of Kimball, Cournoyer, French, Robinette, and Wanna

COCKLE LAW BRIEF PRINTING CO (800) 225-6964
OR CALL COLLECT (402) 342-2831

ISSUES PRESENTED

These Respondents support the Petitions of *Sheldon Peters Wolfchild, et al. v. United States,* Docket No. 09-579 (the "Wolfchild Petition"), and *Harley D. Zephier, Senior, et al. v. United States,* Docket No. 09-580 (the "Zephier Petition") for Writs of Certiorari. Accordingly, the "Issues Presented" and "Questions Presented" in the Wolfchild and Zephier Petitions fully agree with the position of the Respondents and therefore we request the Court to grant the relief requested therein.

LIST OF PARTIES

A list of parties has been provided to the Clerk of Court for the Supreme Court under a separate filing due to the numerous Plaintiff-Respondents represented (in excess of 1400 individuals).

CORPORATE DISCLOSURE STATEMENT

These Plaintiff-Respondents are not and do not represent a nongovernmental corporation.

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OPINION BELOW

This Responsive Brief is submitted by in excess of 1400 plaintiff heirs of the Loyal Mdewakantons ("Plaintiff-Respondents" or "these Respondents") in support of the Petition for Writ of Certiorari of *Sheldon Peters Wolfchild, et al. v. United States*, Docket No. 09-579, and the Petition for Writ of Certiorari of *Harley D. Zephier, Senior, et al. v. United States*, Docket No. 09-580.

These Plaintiff-Respondents accept and support the statements of the "Opinion Below" as referenced in those Petitions.

STATEMENT OF JURISDICTION

These Respondents accept and support the "Statements of Jurisdiction" as set forth in the above-identified Petitions.

STATUTORY PROVISIONS INVOLVED

Pertinent provisions as set forth in the Petition for Writ of Certiorari filed by Sheldon Peters Wolfchild, et al., are incorporated herein as if fully set forth in this Petition.

STATEMENT OF THE CASE

INTRODUCTION

The family groups of Kimball, Cournoyer, French, Robinette, and Wanna would inform the Court that they fully support the Petition for Writ of Certiorari filed by Sheldon Peters Wolfchild, et al., against the United States, and would incorporate said Petition as if fully set out herein.

That the aforesaid group of respondents respectfully request the Court consider the Petition of the Petitioner and grant the relief sought by the Petitioner.

That the aforesaid family groups did not join the Petitioner in their petition as discussions between counsel for the Petitioner and counsel for the aforesaid family groups determined that there may be a potential appearance of a conflict, and if the matter is returned to the Court of Claims for trial on the merits, the groups may have a different belief as to who the class of beneficiaries should include.

Therefore, pursuant to Rule 12(6), the family groups were served notice, they filed a waiver with this Court on November 24, 2009, indicating that they desired to be a part of the action and considered for relief therefrom. The family groups would inform this Court that the Respondents are listed as Plaintiff Intervenors in the underlying action in the Court of Claims.

FACTUAL BACKGROUND

The above family groups would again support and incorporate as if fully set out herein, the Factual Background set forth in the Petition for Writ of Certiorari filed by Sheldon Peters Wolfchild, et al. against the United States.

RESPONSE FOR GRANTING PETITIONS

As expressed in the Petition for Writ of Certiorari filed for and on behalf of Sheldon Peters Wolfchild, et al., the above family groups support the responses stated in their Petition.

CONCLUSION

The Wolfchild and Zephier Petitions for Writs of Certiorari should be granted, and The Family Groups of Kimball, Cournoyer, French, Robinette, and Wanna concur with all matters set forth in the Writ of Certiorari filed by Erick G. Kaardal.

Respectfully submitted,

CREIGHTON A. THURMAN
THURMAN LAW OFFICE
Counsel of Record
PO Box 897
1800 Broadway Ave.
Yankton, SD 57078
(605) 260-0623

Attorney for Respondents
The Family Groups of
Kimball, Cournoyer, French,
Robinette, and Wanna